



Town of Wareham

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POLICY 09-03

Code of Conduct - Contract Services

The right to bind the Town in contract, under both state and local law, including the Wareham Home Rule Charter and the Town Bylaws, is strictly regulated. The Charter authorizes the Town Administrator to enter into contracts, some of which are subject to approval by the Board of Selectmen. Further, the Bylaws provide that the Board of Selectmen is the appointing authority for Town Counsel and is responsible for approving the use of Town Counsel by municipal departments and employees. Established case law makes clear that no municipal department or entity has authority to hire special legal counsel for municipal purposes, other than pursuant to an applicable statute, charter or bylaw provision, or with the approval of the Board of Selectmen. Thus, it shall be the policy of the Town of Wareham that except as otherwise provided by statute, the Town Charter or Bylaws, no municipal employee, board, committee, commission or official may contract for services, including legal counsel, without the approval of the Town Administrator or Board of Selectmen, as appropriate.

Furthermore, in accordance with G.L. c. 268A, §23(e) authorizing the adoption of standards of conduct, in order to minimize any appearance of conflict or actual conflict, it shall be the policy of the Town of Wareham that any municipal employee authorized by the Board of Selectmen to retain professional services for the Town shall be prohibited from retaining any firm, individual or entity that has represented clients before any Town board, committee or commission within the preceding twelve months. For purposes of this policy, the term "professional services" shall include engineering services, legal services, and other professional services exempt from the provisions of G.L. c. 30B.

Town employees are reminded that this policy is not intended to, and does not, replace or substitute for any state, federal or local law, including but not limited to the Conflict of Interest Law, G.L. c.268A. Compliance with this policy does not ensure, therefore, that an employee is in compliance with the requirements of any other applicable law.

TOWN OF WAREHAM
Board of Selectmen

Date adopted: October 6, 2009

Bruce D. Sauvageau, Chairman

John P. Cronan, Clerk

Brenda Eckstrom

M. Jane Donahue

Walter B. Cruz, Sr.